

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

ERIC SHAWN RAY,)	
)	
Petitioner,)	
)	
v.)	No. CIV 19-159-JHP-KEW
)	
KEVIN CLARDY, Sheriff,)	
)	
Respondent.)	

OPINION AND ORDER

Petitioner has filed a motion requesting the Court to appoint counsel (Dkt. 9). He also has requested copies of this Court’s local rules, 28 U.S.C. § 2241, and 42 U.S.C. § 1983. *Id.*

Petitioner’s bears the burden of convincing the Court that his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The Court has carefully reviewed the merits of Petitioner’s claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After considering Petitioner’s ability to present his claims and the complexity of the legal issues raised by the claims, the Court finds that appointment of counsel is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

Regarding Petitioner’s request for copies of certain legal materials, the Court Clerk is directed to send Petitioner a copy of this Court’s Local Civil Rules, as well as copies of

28 U.S.C. § 2241 and 42 U.S.C. § 1983.

ACCORDINGLY, Petitioner's motion for appointment of counsel and for copies of certain legal material (Dkt. 19) is **DENIED** with respect to appointment of counsel and **GRANTED** with respect to his request for copies of this Court's Local Civil Rules, 28 U.S.C. § 2241, and 42 U.S.C. § 1983.

IT IS SO ORDERED this 18th day of June 2019.



James H. Payne
United States District Judge
Eastern District of Oklahoma